



Express Mail No.: EM 061 021 905 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: ELLISON *et al.* : Attorney Docket No: 7409-150
Application No.: 09/173,531 :
Filed: October 15, 1998 :
For: COMPOSITIONS AND METHODS FOR :
THE TREATMENT OF PRIMARY AND :
METASTATIC NEOPLASTIC DISEASES :
USING ARSENIC COMPOUNDS

DECLARATION OF CAROLYN GARCIA

I, Carolyn Garcia, a citizen of the United States, do hereby declare and state as follows:

1. I am the Docket Supervisor in the Records and Docketing department of Pennie & Edmonds LLP, located at 1155 Avenue of the Americas, New York, New York 10036.
2. Since August 1983, my duty has been and is to maintain, personally and with the assistance of other employees of the firm, the docketing system, by means of which a record is maintained of all communications received from the United States Patent and Trademark Office (PTO), record is maintained of the status of pending applications, and by means of which timely reminders are made to the attorneys of the firm of the requirements for amendments, appeal, payment of issue fees and the like.
3. For this purpose, the firm maintains, and has since my employment maintained, a daily tickler record of all pending applications for a United States patent in which a response, issue fee or other action (e.g., appeal to the Board of Appeals and Interferences) is due in the United States Patent and Trademark Office on such day. Since I

assumed the position of Docket Supervisor in 1983, the daily tickler record has been computerized.

4. The New York office of the law firm of Pennie & Edmonds LLP is required by policy to utilize the following docketing procedures:

- a. Official PTO Correspondence is entered in a mail log on the date on which it is received.
- b. A photocopy of each piece of PTO correspondence is made and kept in the Docketing Department.
- c. PTO Correspondence is docketed in three places: (1) computerized docketing system, (2) on the file itself for each United States Patent Application files, and (3) on the correspondence itself.
- d. All PTO correspondence is reviewed prior to being delivered to the appropriate attorney.
- e. The file with the docketed PTO correspondence is then forwarded to the appropriate attorney.

5. The first notification that I received that a Notice to File Missing Parts ("Missing Parts Notice") dated November 3, 1998 had been mailed for this application was when I received the Notice of Abandonment dated August 19, 1999. A review of the file (Pennie & Edmonds LLP docket no. 7409-150) did not reveal the Missing Parts Notice dated November 3, 1998. A copy of the file jacket of the subject application, indicating that no Missing Parts Notice dated November 3, 1998 was received, is attached hereto as Exhibit 1.

6. The above-identified procedures for handling mail were in place at the time the Missing Parts Notice dated November 3, 1998 would have been received in our offices. I checked the mail log for the days between November 3, 1998 to November 20, 1998 attached hereto as Exhibit 2, to determine whether a Missing Parts Notice dated November 3, 1998

was received for this application. The mail log did not reveal receipt of any Missing Parts Notice for this application (Docket No.7409-150).

7. I subsequently checked the photocopies of PTO mail received in the month of November 3, 1998. My search did not identify a copy of the Missing Parts Notice for this application.

8. I have checked the computer docketing system and no indication of the Missing Parts Notice being received is there.

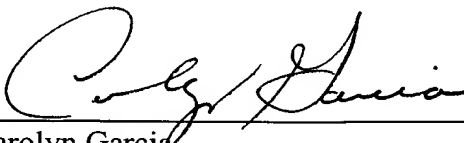
9. There is no indication in any of our records that I am responsible for that the Missing Parts Notice was ever received.

10. It is my belief, based upon my search and my personal knowledge, that the Missing Parts Notice mailed November 3, 1998 for this application was never received by Pennie and Edmonds LLP.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: _____

9/20/99



Carolyn Garcia

DOCKET NO.

7409 150

NY Original FILE Volume 1



007409-0150

INVENTORS

ELLISON, RALPH M.; MERMELSTEIN, FRED H.

Appl. No. Filed

Title
Assignee
COMPOSITIONS AND METHODS FOR THE TREATMENT OF PRIMARY
AND METASTATIC NEOPLASTIC DISEASES USING ARSENIC COMPOUNDS

Assignee Recorded

Assignment Recorded Reel Frame

DUE DATES PATENT OFFICE

OFFICE ACTIONS
RESPONSES & AMENDMENTS

DOCKET NO.

7409

ing Patents

11/3/98

[illegible]

Patents

11/4/98

[illegible]

Docketing Department on 11/5/98

[illegible]

The following PATENTS papers were received by the Pennie & Edmonds

Docketing Department on 11/6/98

[illegible]

The following Patents papers were received by the Pennie & Edmonds

Docketing Department on 11/9/98

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
7565-048			8097-011	
7420-040-228			4697-073	
7064-106			4655-047	
1101-209-228			7188-021	
7573-006			8980-073	
7853-062			8101-076	
7969-004				
7914-021				
8085-004				
9301-014				
0318-244				
5624-203				
6261-098				
6261-096				
8484-024				
2266-003-228				
6551-940				
0174-451				
8512-098				
9118-013				
9546-006-228				
6511-188				
9408-025				
2988-538				
8930-003				
7116-066				
7954-140				
7838-008				
9059-001-228				

The following

papers were received by the Pennie & Edmonds

11/10/98

[illegible]

11/1/98

8932-010
8141-125
6551-993-228
6511-146-
7682-025

The following PATENTS papers were received by the Pennie & Edmonds

Docketing Department on 11/13/98

Office Actions	Filing Receipts	Assignments	Issue Notification	Other
7629-071-228	5925-053-999			
8141-141-999	7794-03-999			
8484-020-999				
0174-423-228				
8889-003-999				
8265-081-999				
9071-003-228				
2254-013-999				
4821-249-228				
8283-010-999				
0174-659-999				
8912-009-999				
8283-027-999				
8512-106-999				
9091-003-999				
8498-021-999				
9363-003-999				
8897-019-999				
7934-054-999				
8769-030-999				
8915-195-999				
5868-007-999				
7683-079-999				
6261-174-999				
7853-087-999				
08/818,853				
9196-006-228				
9196-007-228				
0194-059-				

The following PATENTS papers were received by the Pennie & Edmonds

Docketing Department on 11/13/98

[illegible]

Docketing Department on 11/16/98

[illegible]

The following

Docketing Department on

Office Actions

Filing Receipts

Assignments

Issue Notification

Other

7683-129

414-136

8472-007

7853-100

1830-719

7867-005

7853-063

1761-569

9113-004-228

8907-037

2287-003

7116-060

6650-138-228

7565-046

8170-022

9281-003-228

2988-582

8986-003

7969-045

7934-073

9196-005-228

g PATENTS

11/18/98

[illegible]

The following

papers were received by the Pennie & Edmonds

11/49/98

Office Actions

Filing Receipts

Assignments

Issue Notification

Other

8820-004

7954-041-228

8265-118

7853-069-228

7872.043

9366-003

0867-159

4821-246

6261-174

7803-027

5801-039-228

8145-018

8097-013-228

8512-170

8265-016

9328-005

8265-145

7853-120

8319-004

2295-007-228

The following

papers were received by the Pennie & Edmonds

11/20/98

[illegible]